

FRUITS AND VEGETABLES**CANNED FRUIT**

15726. Misbranding of canned cherries. U. S. v. 99 Cases * * *. (F. D. C. No. 28286. Sample No. 50929-K.)

LIBEL FILED: November 10, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 8, 1949, by the Producers Coop. Packing Co., from Salem, Oreg.

PRODUCT: 99 cases, each containing 24 1-pound, 14-ounce cans, of cherries at Farmingdale, L. I., N. Y.

LABEL, IN PART: (Can) "Arco Royal Anne Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product was represented to be canned cherries; a product for which a definition and standard of identity has been established by the regulations; and its label failed to bear the name of the optional cherry ingredient, namely, "Light Sweet," and the name of the optional packing medium, namely, "Heavy Sirup," present in the product.

DISPOSITION: December 16, 1949. Montauk Wholesale Grocery Co., Inc., Farmingdale, L. I., N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

DRIED FRUIT

15727. Adulteration of dried peaches and dried mixed fruit. U. S. v. Hunt Foods, Inc. Plea of nolo contendere. Fine, \$1,500. (F. D. C. No. 28167. Sample Nos. 1389-K, 1390-K, 10873-K, 34082-K, 34096-K.)

INFORMATION FILED: On or about November 3, 1949, Northern District of California, against Hunt Foods, Inc., Hayward, Calif.

ALLEGED SHIPMENT: On or about January 21 and April 5 and 22, 1949, from the State of California into the States of South Carolina and New York.

LABEL, IN PART: "Dried Peaches * * * Phoenix Packing Company San Francisco, Cal." and "Hunt's Dried Fancy Mixed Fruits Packed by Guggenheimer & Company Division of Hunt Foods, Inc. San Francisco, California—U. S. A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the peaches consisted in part of a filthy and decomposed substance by reason of the presence of insects and decomposed peaches, and the mixed fruit consisted in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insects, insect excreta, and larvae.

DISPOSITION: December 9, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$1,500.

15728. Adulteration of dried prunes. U. S. v. 1,667 Cases * * *. (F. D. C. No. 28070. Sample Nos. 33440-K, 56726-K.)

LIBEL FILED: October 26, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about August 30, 1949, by the Valley View Packing Co., from San Jose, Calif.

PRODUCT: 1,667 30-pound cases of dried prunes at New York, N. Y.

LABEL, IN PART: "Hillsdale Verigrade Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested prunes, and of a decomposed substance by reason of the presence of moldy and rotten prunes.

DISPOSITION: December 19, 1949. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

15729. Adulteration of canned asparagus. U. S. v. 24 Cases * * *. (F. D. C. No. 28019. Sample No. 62816-K.)

LIBEL FILED: October 4, 1949, District of New Hampshire.

ALLEGED SHIPMENT: On or about June 27, 1949, by the Salter Canning Co., from North Rose, N. Y.

PRODUCT: 24 cases, each containing 24 1-pound, 4-ounce cans, of asparagus at Keene, N. H.

LABEL, IN PART: (Can) "Tender All Green Asparagus Spears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect eggs and insect-damaged spears.

DISPOSITION: January 23, 1950. Default decree of condemnation and destruction.

15730. Misbranding of canned green beans. U. S. v. 394 Cases * * *. (F. D. C. No. 28277. Sample No. 57276-K.)

LIBEL FILED: November 7, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about October 7, 1949, by Long Island Canning Co., Inc., from Riverhead, Long Island, N. Y.

PRODUCT: 394 cases, each containing 24 1-pound, 3-ounce cans, of green beans at New Haven, Conn.

LABEL, IN PART: "Rose Garden Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut green beans since the deseeded pods contained more than 15 percent by weight of fibrous material and its label failed to bear the substandard legend.

DISPOSITION: January 11, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15731. Adulteration and misbranding of canned field peas. U. S. v. 454 Cases * * *. (F. D. C. No. 28043. Sample No. 1262-K.)

LIBEL FILED: On or about October 20, 1949, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about August 23, 1949, by the R. O. Kelley Co., from Midville, Ga.

PRODUCT: 454 cases, each containing 24 1-pound, 3-ounce cans, of field peas at Darlington, S. C.

LABEL, IN PART: (Can) "Kelley's Best Georgia Field Peas with Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), packing medium had been substituted in part for peas.